

4/24/02

**THIS DISPOSITION  
IS NOT CITABLE AS PRECEDENT  
OF THE T.T.A.B.**

Paper No. 11  
Bottorff

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re China Bluestar (USA) Group, Inc.

Serial No. 75/762,329

Request for Reconsideration

Before Cissel, Bottorff and Holtzman, Administrative  
Trademark Judges.

Opinion by Bottorff, Administrative Trademark Judge:

On February 20, 2002, the Board issued its decision with respect to the above-captioned application, affirming the Trademark Examining Attorney's final refusal (under Trademark Act Section 2(e)(4)) to register applicant's mark. In a paper bearing a certificate of mailing dated March 20, 2002, applicant has requested that the application be amended to the Supplemental Register.

Trademark Rule 2.142(g) provides that an application which has been considered and decided on appeal will not be reopened except for the entry of a disclaimer or upon order

of the Commissioner, and in the latter case only upon a showing of sufficient cause for consideration of any matter not already adjudicated. See *In re Taverniti, SARL*, 225 USPQ 1263 (TTAB 1985); and *In re Dodd International, Inc.*, 222 USPQ 268 (TTAB 1983).<sup>1</sup>

In view thereof, applicant's request is **denied**. Applicant's time for filing an appeal, or for commencing a civil action for review of the Board's decision, will expire two months after the date stamped on this order. See Trademark Rule 2.145(d)(1), 37 C.F.R. §2.145(d)(1).

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<sup>1</sup> Moreover, it has been the practice of the Commissioner to refuse to reopen to allow amendment to the Supplemental Register after a final adverse decision on appeal. See, e.g., *Ex parte Simoniz Co.*, 161 USPQ 365 (Comm'r 1969); and TMEP §1115.05.